

## Conditions Under Which a Person is Entitled to a Railroad Retirement Divorced Spouse Annuity

### Age Requirement

You must file an application for your divorced spouse annuity. When all eligibility requirements are met, a divorced spouse annuity can begin as follows.

**CHART 1 - DETERMINING YOUR AGE REQUIREMENT**

If the employee is at least:	and the employee is:	your divorced spouse annuity can begin the first full month:	Your Annuity will:
age 62	receiving an employee annuity	you are age 62	have an age reduction if you retire before attaining your Full Retirement Age.

### Definition of Full Retirement Age for an Age Reduction

Your **Full Retirement Age** means the age at which you can receive a full divorced spouse annuity **with no reduction for early retirement**. Full Retirement Age for persons who attain age 62 before January 1, 2000, is age 65. Full Retirement Age for persons who attain age 62 after 1999 will gradually increase as illustrated in Chart 2.

Full Retirement Age also affects the amount of non-railroad earnings you can earn after the annuity beginning date, as explained in Chart 3.

**CHART 2 - DETERMINING YOUR FULL RETIREMENT AGE**

If you were born:	Then your Full Retirement Age is:
Before 1-2-1938	65
1-2-1938 thru 1-1-1939	65 and 2 months
1-2-1939 thru 1-1-1940	65 and 4 months
1-2-1940 thru 1-1-1941	65 and 6 months
1-2-1941 thru 1-1-1942	65 and 8 months
1-2-1942 thru 1-1-1943	65 and 10 months
1-2-1943 thru 1-1-1955	66
1-2-1955 thru 1-1-1956	66 and 2 months
1-2-1956 thru 1-1-1957	66 and 4 months
1-2-1957 thru 1-1-1958	66 and 6 months
1-2-1958 thru 1-1-1959	66 and 8 months
1-2-1959 thru 1-1-1960	66 and 10 months
1-2-1960 and later	67

### Marriage Requirements

In order to qualify for a divorced spouse annuity, your marriage must have ended by final divorce decree and you must meet each of the following requirements:

- You were married to the railroad employee for at least 10 consecutive years immediately preceding the date of your final divorce decree; and,
- You are divorced from that railroad employee; and,
- You are not currently married to anyone. (If you remarried after the divorce from the employee, the later marriage must have terminated.)
- You are not entitled to a social security benefit (before any reductions) on your own earnings record that exceeds the amount of the divorced spouse annuity.

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### Tier 1 Reductions for Non-Railroad Earnings

Your divorced spouse annuity is not reduced for your non-railroad earnings if you are receiving social security benefits. Otherwise, your **Annual Earnings Exempt Amount** is the amount of non-railroad earnings you can have in a calendar year without losing part of your divorced spouse annuity. Use Chart 2, on page 1, to determine your Full Retirement Age and then refer to Chart 3 below and Form G-77a, "How Earnings Affect Payment of Retirement Annuities."

The Annual Exempt Amount for the employee is based on the employee's age. The employee's earnings over his or her own Annual Earnings Exempt Amount may cause a reduction to your Tier 1 benefit, if you have been divorced from the employee less than 2 years.

**CHART 3 - DETERMINING YOUR ANNUAL EARNINGS EXEMPT AMOUNT**

For a year:	You may lose up to \$1 in Tier 1 benefits for every	The reduction:
in which you attain Full Retirement Age,	\$3.00 of earnings over the Annual Earnings Exempt Amount for your age group. However, your earnings are only counted for months before the month in which you attain Full Retirement Age.	is removed effective the month in which you attain Full Retirement Age.
you are under Full Retirement Age for the entire year,	\$2.00 of earnings over the Annual Earnings Exempt Amount for your age group.	applies for the full year.
you work outside the U.S. for 45 or more hours per month,	\$2.00 of earnings. There is no Annual Earnings Exempt Amount for work outside the U.S. However, your earnings are only counted for months before the month in which you attain Full Retirement Age.	is removed effective the month in which you attain Full Retirement Age.

### Divorced Spouse Annuity not Payable

Your divorced spouse annuity is not payable for any month in which:

- the employee's annuity is not payable; or,
- you work for a railroad employer; or,
- you become entitled to an RRA employee annuity on your own earnings record that exceeds your RRA divorced spouse annuity rate.

### Divorced Spouse Annuity Ends

Your divorced spouse annuity ends the month before the month in which:

- the employee dies. (A surviving divorced spouse annuity may become payable at this time); or,
- the employee's entitlement to an employee annuity terminates due to recovery from disability; or,
- you die; or,
- you marry; or,
- you become entitled to SS benefits on your own earnings record that are greater than the RRA divorced spouse annuity; or,
- you become entitled to an RRA survivor annuity on another claim number that exceeds the amount of the RRA divorced spouse annuity.

If you would like more information concerning divorced spouse annuities, please request Booklet RB-30 *Spouse/Divorced Spouse Annuity* before you come in to file for your annuity.